

UNITED STATES BANKRUPTCY COURT

FOR THE

EASTERN DISTRICT OF VIRGINIA
Alexandria Division

In the Matter of:

CLINT ALLEN DRAPER

Debtor

Chapter 13

Case No. 18-13346-KHK

OBJECTION TO CONFIRMATION OF MODIFIED PLAN,
NOTICE OF OBJECTION TO CONFIRMATION OF MODIFIED PLAN
AND
NOTICE OF SCHEDULED HEARING ON THIS OBJECTION

Thomas P. Gorman, Chapter 13 Trustee, has filed this objection to confirmation of your Modified Chapter 13 Plan filed January 25, 2019. The cause for this objection is as follows:

Violation of 11 U.S.C. §1325(a)(6) - Feasibility.

- Debtor has not made a Plan payment since November, 2018.

Violation of 11 U.S.C. §1325(a)(3) and 11 U.S.C. §1325(b)(1)(B) - Good Faith and Disposable Income.

- Below median Debtor's prior Plan proposed \$36,468.00 in total funding and estimated a 31% distribution to unsecured creditors. Trustee specifically objected to a \$173.00 per month Schedule J deduction for an unnecessary storage unit. Debtor has now removed that deduction which should have increased his disposable monthly income correspondingly, but instead he has manipulated his expense deductions and is now proposing lower funding to creditors of \$32,803.00 total.

Your rights may be affected. You should read these papers carefully and discuss them with your attorney, if you have one in this bankruptcy case. (If you do not have an attorney, you may wish to consult one.)

If you do not wish the court to grant the relief sought in the objection, or if you want the court to consider your views on the objection, then on or before five business days prior to the hearing date, you or your attorney must:

Notice of Objection To Confirmation

Clint Allen Draper, Case # 18-13346-KHK

File with the court a written response with supporting memorandum as required by Local Bankruptcy Rule 9013-1(H). Unless a written response and supporting memorandum are filed and served by the date specified, the Court may deem any opposition waived, treat the motion as conceded, and issue an order granting the requested relief without further notice or hearing. If you mail your response to the court for filing, you must mail it early enough so the court will receive it on or before the date stated above. You must mail a copy to the persons listed below.

Attend the hearing to be held on March 14, 2019 at 9:30 a.m., in Courtroom III on the 3rd floor, United States Bankruptcy Court, 200 South Washington Street, Alexandria, VA 22314. If no timely response has been filed opposing the relief requested, the court may grant the relief without holding a hearing.

A copy of any written response must be mailed to the following persons:

Thomas P. Gorman
300 North Washington Street, Ste, 400
Alexandria, VA 22314

Clerk of the Court
United States Bankruptcy Court
200 South Washington Street
Alexandria, VA 22314

If you or your attorney do not take steps, the court may decide that you do not oppose the relief sought in the motion or objection and may enter an order granting that relief.

Date: February 28, 2019

/s/Thomas P. Gorman
Thomas P. Gorman
Chapter 13 Trustee
300 N. Washington Street, #400
Alexandria, VA 22314
(703) 836-2226
VSB 26421

Notice of Objection To Confirmation

Clint Allen Draper, Case # 18-13346-KHK

CERTIFICATE OF SERVICE

I hereby certify that I have this 28th day of February, 2019, served via ECF to authorized users or mailed a true copy of the foregoing Objection to Confirmation, Notice of Objection and Notice of Hearing to the following parties.

Clint Allen Draper
Chapter 13 Debtor
2753 Patrick Henry Drive
Woodbridge, VA 22191

Robert B. Easterling, Esq
Attorney for Debtor
General Washington Exec. Ctr.
2217 Princess Anne St. Ste. 100-2
Fredericksburg, VA 22401

/s/ Thomas P. Gorman
Thomas P. Gorman